



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

DEP File Number: _____

WPA Form 9 – Enforcement Order

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40
And the Nantucket Wetlands Bylaw (Chapter 136)

A. Violation Information

Important:
When filling out
forms on the
computer, use
only the tab
key to move
your cursor -
do not use the
return key.



This Enforcement Order is issued by:

Nantucket
Conservation Commission (Issuing Authority)

2/5/2014
Date

To:

Sconset Beach Preservation Fund (SBPF) and Town of Nantucket

Name of Violator

c/o Steven Cohen, 6 Young's Way Nantucket, MA 02554 (SBPF); 16 Broad Street, Nantucket, MA
02554

1. Location of Violation:

multiple

Property Owner (if different)

91 - 105 Baxter Road

Street Address

Nantucket

02554

City/Town

Zip Code

multiple

Assessors Map/Plat Number

Parcel/Lot Number

2. Extent and Type of Activity (If more space is required, please attach a separate sheet):

Installation of a drainage pipe and infiltration bed along the face of a Coastal Bank and on a Coastal Beach, installation of concrete plugs on the permitted geotubes, excavation of the Coastal Beach below the mean high water mark and the placement of sand on the face of the Coastal Bank above the geotubes outside of the sand delivery areas.

B. Findings

The Issuing Authority has determined that the activity described above is in a resource area and/or buffer zone and is in violation of the Wetlands Protection Act (M.G.L. c. 131, § 40) and its Regulations (310 CMR 10.00), because:

- ☒ the activity has been/is being conducted in an area subject to protection under c. 131, § 40 or the buffer zone without approval from the issuing authority (i.e., a valid Order of Conditions or Negative Determination).



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B. Findings (cont.)

☐ the activity has been/is being conducted in an area subject to protection under c. 131, § 40 or the buffer zone in violation of an issuing authority approval (i.e., valid Order of Conditions or Negative Determination of Applicability) issued to:

Name

Dated

File Number

Condition number(s)

- ☐ The Order of Conditions expired on (date): _____ Date _____
- ☐ The activity violates provisions of the Certificate of Compliance.
- ☐ The activity is outside the areas subject to protection under MGL c.131 s.40 and the buffer zone, but has altered an area subject to MGL c.131 s.40.
- ☐ Other (specify): _____

C. Order

The issuing authority hereby orders the following (check all that apply):

- ☐ The property owner, his agents, permittees, and all others shall immediately cease and desist from any activity affecting the Buffer Zone and/or resource areas.
- ☐ Resource area alterations resulting from said activity shall be corrected and the resource areas returned to their original condition.
- ☐ A restoration plan shall be filed with the issuing authority on or before _____ Date _____

for the following:

The restoration shall be completed in accordance with the conditions and timetable established by the issuing authority.



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C. Order (cont.)

- ☐ Complete the attached Notice of Intent (NOI). The NOI shall be filed with the Issuing Authority on or before:

Date

for the following:

No further work shall be performed until a public hearing has been held and an Order of Conditions has been issued to regulate said work.

- ☒ The property owner shall take the following action (e.g., erosion/sedimentation controls) to prevent further violations of the Act:

All unpermitted work shall cease and the listed parties shall appear before the Conservation Commission at their next scheduled meeting on 2/19/2014 to discuss what actions are to be taken to return the site into compliance with current permits.

Failure to comply with this Order may constitute grounds for additional legal action. Massachusetts General Laws Chapter 131, Section 40 provides: "Whoever violates any provision of this section (a) shall be punished by a fine of not more than twenty-five thousand dollars or by imprisonment for not more than two years, or both, such fine and imprisonment; or (b) shall be subject to a civil penalty not to exceed twenty-five thousand dollars for each violation". Each day or portion thereof of continuing violation shall constitute a separate offense.

D. Appeals/Signatures

An Enforcement Order issued by a Conservation Commission cannot be appealed to the Department of Environmental Protection, but may be filed in Superior Court.

Questions regarding this Enforcement Order should be directed to:

Jeff Carlson

Name

508-228-7230

Phone Number

M-F 9AM-Noon

Hours/Days Available

Issued by:

Nantucket

Conservation Commission

Conservation Commission signatures required on following page.



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D. Appeals/Signatures (cont.)

In a situation regarding immediate action, an Enforcement Order may be signed by a single member or agent of the Commission and ratified by majority of the members at the next scheduled meeting of the Commission.

Signatures:

Saul O'Leary
Ernest J. Sturtevant
Andrew Bunnell

John B. John

M.B. Al 7012 1010 0001 3249 6373
Signature of delivery person or certified mail number